



March 21, 2006

AFW

PETITION FOR WITHDRAWING HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Office of Petitions

PATENT APPLICATION NUMBER 10/759,822

Filing Date: Jan 20, 04

First Named Inventor: Robert D. Porter

Art Unit: 2859

Examiner Name: Amy Cohen

Attorney Docket Number: RDP-3

Dear Commissioner:

Upon my recent inquiry to the Patent Office regarding the status of my patent application, I was informed by patent examiner Ms. Amy Cohen that a Non-Final Rejection was sent to my attorney, Mr. Henry W. Cummings, on or about July 25, 2005. I called Mr. Cummings on March 10, 2006. During our conversation he told me he had not received the July Office action and would call the patent office. It is also my understanding that he intended to "take care of it" while he was in Washington in May, which I believe would be too late for any remedial action.

I spoke with Mr. Cummings again this morning, Tuesday, March 21, 06, and asked him to provide the patent office with information showing nonreceipt of an Office communication in accordance with MPEP 711.03C IA. He said he would fax me the information which I received this morning at approximately 8:50 AM (not 11:07 AM as indicated at the top of the fax). A copy of the FAX I received from Mr. Cummings is attached.

Since my attorney has provided documentation that he did not receive the Non-Final Rejection Office Action, I wish to file this *Petition For Withdrawing Holding Of Abandonment* on my patent application.

I have also informed Mr. Cummings this morning that I am going to file a *Revocation Of Power Of Attorney*. As the inventor, I will try to do my own patent work from now on. Please send any relevant correspondence to my address below. Thank you.

Sincerely,

Robert D. Porter
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

SER. NO. 10/759,822

ART UNIT 2859

ROBERT D. PORTER

EXAMINER: COHEN

The Undesigned has reviewed the above application file, and has found no evidence that an Office Action was received from the US Patent & Trademark Office after the application was filed on Jan. 20, 2004.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Henry W. Cummings".

Henry W. Cummings

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Attorney At Law